

Mr. Carl T. Rowan
3251-G Sutton Pl. NW
Washington, DC

Harold Weisberg
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Dear Mr. Rowan,

Your column as it appeared in what I believe is a small, rural Kentucky paper of February 9 is headed, "James Earl Ray Should Get a Trial." Amen!

Even if you do not share the common misunderstanding, your words, "even if he gets a New (sic) trial it probably would not produce the shocking facts and evidence that the King family hopes for."

You also refer to a "possible conspiracy to kill King," ~~and it~~ ^{That} is without question the already-established fact. But I think, from my own extensive experience not only in writing about this but as Ray's investigator in the early 1970s, that there was no official involvement of any kind with him, particularly not as you have ample reason to suspect, by the FBI. ~~It went awry with hysteria.~~
Ray was captured despite the FBI.

You refer to FBI records to which you had access. Those related to this matter got into the public domain through my FOIA lawsuit for them, CA 75-1996. I doubt you had the time to read all I forced ~~the~~ ^{from} FBI suppression but anyone can have access to my copies and to our copies.

I also have more than the FBI disclosed, my own work, and that also others can have.

To a degree I have kept up with recent developments. I hope the courts permit the testing of that rifle. I am not familiar with this newest test but if what was true of other tests is true of it, the repeated firings of that rifle by the House assassins committee in particular may make a definitive conclusion impossible from it. However, the existing evidence that is largely unknown is that that rifle could not have been used in the crime.

Please excuse my typing. I'm 84, in impaired health and it cannot be any better.

As Ray's investigator I did the investigating for the habeas corpus in which we prevailed and then for the two weeks of evidentiary hearing we got as a result. It was in federal district court in Memphis. With senior counsel abroad junior counsel, Jim Lesar, and I, did the limited discovery permitted and had to prepare for the hearing. He took the law, I the evidence.

With Ray's lawyer who put him away, Percy Foreman, then the country's most famous criminal lawyer, I decided that to prove he did not give ~~Ray~~ ^{Ray} effective assistance as counsel, one of the bases of the request for the trial, the only way would be to try the charges again at Ray and disprove them. This is what

we did. I have the stenographic transcripts, as does Lear, whose office phone is 395- 1921. He also has an office at his home, 301/657-4298.

The phony liberal judge merely decided the opposite of the evidence.

After my book 'Frame-Up' appeared I went to your office in an effort to seek your assistance in getting the trial. I became Ray's investigator after that book appeared. You were not in your office. Lear was with me. We told your assistant what he would listen to. I'd hoped to hear from you but never did.

Similarly, when it could and I think would have made a difference, it was not possible to get the SCLC to interest itself. Senior counsel spoke to Mrs. King for me. She referred me to the Wachtel law office in New York. I went there, got no farther than the reception desk, and later he had a law student phone me. That was the end of that. I sent copies of 'Frame-Up' to several at SCLC and some of the members of its radio staff also did. No reaction at all.

You should also understand, I think, what the record for history does show, that those in the Department of Justice, anxious to wipe the whole thing out, imposed on the trust of Mrs. King and SCLC leaders in telling them that if Ray did not accept the deal offered he would be electrocuted. Not only was there no case against Ray at all, and please take this as I intend it, literally, there was in those days no possibility at all of any enforced death sentence.

I have no reason to believe that Ramsey Clark was part of this and every reason to believe that the FBI told him it had a solid case.

I hope the appeals court grants the right to test that rifle and that the results of that test are definitive. But even if so that will not and cannot address what I begin quoting from your column. From my knowledge of the case they cannot identify those who did the killing and those for whom they did. This is because the crime itself was never investigated, and because Ray was not informed or in any position to learn.

(On this, however, there are some interesting FBI records that I learned about before getting them from the FBI that might reflect who was behind it. The FBI of course, ignored that.)

I would like to believe that there is a likelihood of more information being developed in court that I was responsible for but I do not now have that hope. However, between those hearing transcripts and the records I got by FOIA litigation a considerable amount of information is available and I'd like very much for it to be used and for the King family to be aware of it. When I cannot make it available it will be part of a free public archive at local Hood College.

Sincerely,

Harold Weisberth